

MAR 27 2008

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENDRICK WEATHERSPOON,

Defendant - Appellant.

No. 07-10417

D.C. No. CR-03-00076-RLH

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, District Judge, Presiding

Submitted March 18, 2008<sup>\*\*</sup>

Before: CANBY, T.G. NELSON and BEA, Circuit Judges.

Kendrick Weatherspoon appeals from the 18-month sentence imposed following revocation of supervised release. We have jurisdiction pursuant to 28

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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U.S.C. § 1291, and we affirm.

Weatherspoon contends, for the first time on appeal, that the district court failed to adequately explain its reasoning for imposing a sentence above the advisory Guidelines range. Upon review of the record, we “have no difficulty in discerning the district court’s reasons for imposing the sentence that it did.” *United States v. Leonard*, 483 F.3d 635, 637 (9th Cir. 2007); *see also Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007) (holding that a district court is required only to state the reasons for the sentence imposed in enough detail to satisfy an appellate court that it has “considered the parties’ arguments and has a reasoned basis for exercising [its] own legal decisionmaking authority”). There is no indication that the district court relied upon impermissible factors when formulating Weatherspoon’s sentence. *Cf. United States v. Miquel*, 444 F.3d 1173, 1182-83 (9th Cir. 2006).

Weatherspoon’s motion to expedite the appeal is denied as moot.

**AFFIRMED.**